

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES E. SHERROD,

Petitioner,

v.

STATE OF NEBRASKA and
DIRECTOR ROBERT HOUSTON,

Respondents.

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CASE NO. 4:07CV3216

MEMORANDUM
AND ORDER

This matter is before the court on Respondents' Motion for Recusal. ([Filing No. 38.](#)) The court has carefully reviewed the motion and the Index filed in support of the Motion. ([Filing No. 37.](#)) Respondent requests that the undersigned judge recuse herself from this matter because she was "a participant in the underlying process which led to this habeas corpus action." ([Filing No. 38](#) at CM/ECF p. 1.) As set forth in [28 U.S.C. 455\(a\)](#), "[a]ny . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

For good cause shown, the undersigned judge recuses herself from this matter pursuant to [28 U.S.C. § 455\(a\)](#). Thus, the Motion is granted and the court requests that this matter be assigned to another judge.

IT IS THEREFORE ORDERED that:

1. Respondents' Motion for Recusal ([Filing No. 38](#)) is granted; and
2. A copy of this Memorandum and Order shall be provided to Chief Judge Bataillon so that this matter may be reassigned to another judge.

DATED this 5th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge